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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,675	02/04/2002	Joseph Michael Christie	1148a1	8397

7590

02/25/2004

Attn: Harley R. Ball
Sprint Law Department
8140 Ward Parkway
Mailstop: MOKCMP0506
Kansas City, MO 64114

EXAMINER

HOM, SHICK C

ART UNIT	PAPER NUMBER
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2666

8

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,675

Applicant(s)

CHRISTIE ET AL.

Examiner

Shick C Hom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3, 4, 5, 6</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. The disclosure is objected to because of the following informalities: in page 1 line 3, update status of U.S. patent application 09/243,203 as now being U.S. Patent No. 6,411,624.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 7-10 which recite the application platform processing the called number data structure, routing data structure, and telecommunication signaling information to select an identifier for placement in the header of the user communication and generate the control instruction indicating

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the identifier lacks clear antecedent basis because in the specification page 11 lines 12-21 and page 12 lines 8-13 merely recite the application platform processing signaling information from the signaling platform to select connections where the identity of the selected connections are provided to the control platform and generates signaling information for transmission by the signaling platform; no processing of called number, routing data, and telecommunication signaling information nor placement of identifier in the header of the user communication have been previously recited in the specification and therefore the limitation is not clearly understood. Likewise, in claims 7 and 13 lines 7-9 which recite placement of identifier in the header of the user communication lacks clear antecedent basis.

Claims 2-6, 8-12, and 14-18 are rejected under 35 U.S.C. 112, second paragraph because they depend from rejected claims 1, 7, and 13, respectively.

4. Claims 1-3, 5-9, 11-15, and 17-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-86 of U.S. Patent No. 6,411,624. Although the conflicting claims are not identical, they are not patentably distinct from each other because the application's claims 1, 7, 13 merely broaden the

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scope of the U.S. Patent No. 6,411,624 claims 1-2 by eliminating the exception data structure and connection data structure as in claim 1. Likewise, the application's claims 2, 8, and 14 merely broaden the scope of U.S. Patent No. 6,411,624 claims 1-2 by eliminating exception and connection data structure.

Application's claims 3, 9, and 15 merely broaden the scope of U.S. Patent No. 6,411,624 claims 1-2 and 6 by eliminating exception and connection data structure. Application's claims 5, 11, and 17 merely broaden the scope of U.S. Patent No. 6,411,624 claims 1-2 and 26 by eliminating exception and connection data structure and the Initial Address Message being Signaling System #7. Application's claims 6, 12, and 18 merely broaden the scope of U.S. Patent No. 6,411,624 claims 1-2 and 39 by eliminating exception and connection data structure. It has been held that the omission of a element and its function is an obvious expedient if the remaining elements perform the same function as before. In re Karlson, 136 USPQ (CCPA). Also note Ex parte Rainu, 168 USPQ 375 (Bd. App. 1969); omission of a reference element whose function is not needed would be obvious to one skilled in the art.

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple

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assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Allowable Subject Matter

6. Claims 4, 10, and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Christie et al. (6,031,840) disclose a telecommunication system. Christie (5,825,780) discloses method, system and apparatus for telecommunications control.

Hiller et al. (5,452,297) disclose access switches for large ATM networks.

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8. Any response to this nonfinal action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington. VA., Sixth
Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Shick Hom
whose telephone number is (703) 305-4742. The examiner's
regular work schedule is Monday to Friday from 8:00 am to 5:30
pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Seema Rao, can be
reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the

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Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to be 'JMT' or similar, located to the right of the main text block.

DANSTON
PRIMARY EXAMINER

SH

February 21, 2004